

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

HELENA WEATHERSPOON,

Plaintiff,

vs.

GENERAL CREDIT ACCEPTANCE
COMPANY,

Defendant.

Cause No. 14SL-CC01561

Division No. 1

FILED

AUG 27 2014

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTYORDER

This matter comes before the Court on Defendant's Motion To Dismiss On Grounds of Abatement.

The Court has read and considered all materials given to it in connection with the Motion, as well as the argument of counsel.

Particular emphasis was given by the Court to the transcript of Defendant Deaver's Motion To Reconsider, heard May 1, 2014 under Cause No. 11SL-AC28887-02 in Division 38.

It is evident from the transcript that Judge Permuter intended to allow Helena Witherspoon (Plaintiff herein) to join the Division 38 lawsuit as a party, but only in connection with the existing single notice claim and not for the purpose of adding or expanding notice claims.

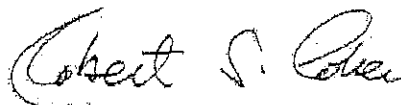
To the extent that the lawsuit before this Court asserts notice claims not in the Division 38 case, those claims cannot be barred by the Court on the grounds of Abatement and they may proceed here.

To the extent that this lawsuit contains a claim now pending in Division 38, that claim will be dismissed as duplicative to pending litigation.

The parties should be able to agree on which claims fall into one category or another. If the parties cannot agree, then a meeting should be set with the Clerk so that the Court may determine which claims may proceed and which must be dismissed.

It appears inevitable to the Court that the GCAC notice claims in Division 38 and the GCAC notice claims in Division 1 will be consolidated in one division for the purposes of judicial economy and consistency in rulings. That subject is reserved for another day.

SO ORDERED:



Robert S. Cohen, Judge

Date:

August 27, 2014

Cc: Martin Daesch
Timothy Wolf
James Monafó